THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 20919 of 2004

Date: 27.09.2005

Between:

G.Papaiah, s/o. Lingaiah, r/o. Ismaialkhanpet,
Medak district

...Petitioner

and

1)The Deputy Registrar of Co-operative Societies,
Sanga Reddy, Medak district & another

...Respondents

ORDER:

None appeared for the petitioner on 26.09.2005 and so, the matter was posted to today.

The relief prayed for in this Writ Petition is to direct the first respondent to receive the amount of Rs. 4,363-30 ps and to order fresh enquiry as directed by the appellate authority in C.T.A. No.223 of 1994 dated 13.02.1996 on the file of the Co-operative Tribunal, Hyderabad.

The brief facts that are necessary for disposal of this Writ Petition are as follows:

The petitioner was elected as President of second respondent-society, which was registered with the first respondent; on the allegations of short fall of certain amounts found during audit, an inquiry was ordered by the Divisional Co-operative Officer and thereafter, the first respondent passed surcharge order on 17.05.1993; that against the said order, the petitioner preferred appeal in C.T.A. No.223 of 1994 before the Co-operative Tribunal, Hyderabad, which was allowed on 13.02.1996 with a direction to conduct fresh enquiry duly giving reasonable opportunity on condition of petitioner remitting Rs.4,363-30 ps to the society on or before 25.02.1996; as the second respondent refused to receive the amount, he made a representation on 04.09.1997 to the Divisional Co-operative Officer; that after lapse of about 7 years, the first respondent initiated execution proceedings by way of sale of immovable properties; hence, the Writ Petition.

The first respondent filed counter affidavit denying the averments in the petition and contending that the petitioner never bothered to remit the said amount; he ought to have approached the first respondent for redressal in case the second respondent refused to receive the amount; that the petitioner came up with the representation dated 04.09.1997 when a reference was made to him by the respondent on 05.08.1997 to furnish the remittance particulars; hence, the Writ Petition is liable to be dismissed.

The Co-operative Tribunal, Hyderabad allowed the appeal filed by the petitioner and remitted the matter for fresh enquiry on condition of petitioner remitting Rs. 4,363-30 ps with the society on or before 25.02.1996, failing which the appeal stands dismissed. Instead of depositing the said amount in time so as to participate in the fresh enquiry, the present Writ Petition is filed. The petitioner is indulging in speculation and finally succeeded to get interim order from this Court on 24.11.2004. The petitioner failed to show the payment particulars even

as per the interim order.

In the circumstances, the Writ Petition is dismissed with costs of Rs.1,000/-.

(K.C.Bhanu, J.)

27.09.2005

DRK